

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 307 be amended to read as follows:

- 1 Page 3, between lines 28 and 29, begin a new paragraph and insert:
- 2 "SECTION 5. IC 6-9-35 IS ADDED TO THE INDIANA CODE AS
- 3 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
- 4 1, 2005]:
- 5 **Chapter 35. Special Retail District Incremental Gross Retail Tax**
- 6 **Sec. 1. Except as otherwise provided in this chapter, the**
- 7 **definitions in IC 6-2.5-1 apply throughout this chapter.**
- 8 **Sec. 2. As used in this chapter, "fiscal body" has the meaning set**
- 9 **forth in IC 36-1-2-6.**
- 10 **Sec. 3. As used in this chapter, "fiscal officer" has the meaning**
- 11 **set forth in IC 36-1-2-7.**
- 12 **Sec. 4. As used in this chapter, "gross retail income" has the**
- 13 **meaning set forth in IC 6-2.5-1-5, except that the term does not**
- 14 **include taxes imposed under IC 6-2.5 or IC 6-9.**
- 15 **Sec. 5. (a) Subject to subsections (b) and (c), the fiscal body of a**
- 16 **county containing a consolidated city may adopt an ordinance**
- 17 **designating an area in the county as a special retail district.**
- 18 **(b) A special retail district designated under subsection (a) must**
- 19 **meet the following requirements:**
- 20 **(1) The district may not exceed four hundred (400) acres.**
- 21 **(2) The district must be established for the purpose of**
- 22 **undertaking a project, or a series of projects, that involve a**
- 23 **total capital commitment in excess of one hundred twenty-five**
- 24 **million dollars (\$125,000,000).**
- 25 **(3) The state budget committee must make a finding before**

1 the ordinance is adopted that:

2 (A) the total capital investment for the project, or series of
3 projects, will be in excess of five hundred million dollars
4 (\$500,000,000) at the completion of the project, or series of
5 projects; and

6 (B) the project would not otherwise be accomplished
7 through the ordinary operations of private investment
8 because of the unique quality and scope of the project or
9 series of projects.

10 (c) The fiscal body may adopt an ordinance under subsection (a)
11 only after January 1 but before April 1 of a year.

12 (d) If the fiscal body adopts an ordinance under subsection (a),
13 it shall immediately send a certified copy of the ordinance to the
14 commissioner of the department of state revenue.

15 Sec. 6. (a) If the fiscal body of a county containing a consolidated
16 city adopts an ordinance designating a special retail district under
17 section 5 of this chapter, a one percent (1%) incremental gross
18 retail tax is imposed on the transactions described in section 7 of
19 this chapter that occur within the district.

20 (b) The incremental gross retail tax imposed by subsection (a):

21 (1) takes effect July 1 following the adoption of the ordinance
22 under section 5 of this chapter; and

23 (2) is in addition to any other tax imposed on the transactions
24 described in section 7 of this chapter.

25 Sec. 7. (a) Except as provided in subsection (b), the incremental
26 gross retail tax imposed by section 6 of this chapter applies to all
27 retail transactions that occur within the special retail district
28 designated under section 5 of this chapter.

29 (b) The incremental gross retail tax does not apply to a
30 transaction to the extent that the transaction is exempt from the
31 state gross retail tax under IC 6-2.5.

32 Sec. 8. (a) The incremental gross retail tax imposed by section 6
33 of this chapter is imposed only on the gross retail income derived
34 from retail transactions.

35 (b) A person who receives goods or services in a retail
36 transaction that is taxed under this chapter is liable for the
37 incremental gross retail tax. The person shall pay the tax to the
38 retail merchant as a separate amount added to the consideration
39 for the goods or services. The retail merchant shall collect the tax
40 as an agent for the state and the county.

41 (c) Except as otherwise provided in this chapter, the incremental
42 gross retail tax shall be imposed, paid, and collected in the same
43 manner in which the state gross retail tax is imposed, paid, and
44 collected under IC 6-2.5. However, the return to be filed for the
45 payment of the tax may be either a separate return or may be
46 combined with the return filed for the payment of the state gross

1 retail tax, as prescribed by the department of state revenue.

2 **Sec. 9. (a) The amounts received from the incremental gross**
 3 **retail tax shall be paid monthly by the treasurer of state to the**
 4 **fiscal officer of the county containing a consolidated city upon**
 5 **warrants issued by the auditor of state.**

6 **(b) The amounts received by the county fiscal officer under**
 7 **subsection (a) shall be deposited into a special fund.**

8 **(c) Money in the special fund may be used by the metropolitan**
 9 **development commission for any purpose for which property taxes**
 10 **allocated to a redevelopment district under IC 36-7-15.1-26 may be**
 11 **expended, including the payment of debt service or lease rentals**
 12 **and the establishment and maintenance of a debt service reserve.**

13 **Sec. 10. (a) Subject to subsection (c), the fiscal body of a county**
 14 **containing a consolidated city may after January 1 but before April**
 15 **1 of a year adopt an ordinance to rescind the designation of a**
 16 **special retail district.**

17 **(b) If the fiscal body adopts an ordinance under subsection (a):**

18 **(1) the special retail district is abolished July 1 following the**
 19 **adoption of the ordinance; and**

20 **(2) the incremental gross retail tax is rescinded effective July**
 21 **1 following the adoption of the ordinance.**

22 **(c) The fiscal body may not adopt an ordinance rescinding the**
 23 **designation of a district if there are bonds outstanding or leases or**
 24 **other obligations payable from the incremental gross retail tax**
 25 **under this chapter.**

26 **(d) If the fiscal body adopts an ordinance under subsection (a),**
 27 **the fiscal body shall immediately send a certified copy of the**
 28 **ordinance to the commissioner of the department of state**
 29 **revenue."**

30 **Renumber all SECTIONS consecutively.**

(Reference is to ESB 307 as printed March 25, 2005.)

Representative Behning